IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 1860 of 2007

DATED: 2.2.2007

Between:

Manepalli Nageswara Rao petitioner

And

A.P.Transco
Rep by its Managing Director,
Vidyut Soudha, Hyderabad & ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 1860 OF 2007

ORAL ORDER:

The petitioner is employed in the respondent corporation as Lineman. The Anti-Corruption Bureau officials registered a crime in FIR No.8/RCA-RJY/06 dated 26.11.2006 under Section 13(2) read with

Section 1(e) of Prevention of Corruption Act, 1988 alleging that the petitioner is having assets disproportionate to his known sources of income to a tune of Rs.34,88,100/-. Based on the said allegation, respondent No.3 vide orders dated 01.12.2006, placed the petitioner under suspension. Assailing this order, the petitioner filed the present writ petition.

The learned counsel for the petitioner submitted that the ACB officials committed grave mistakes in arriving at the value of the assets possessed by the petitioner. He submitted that though respondent No.3 placed the petitioner under suspension until the conclusion of the disciplinary proceedings, till date no steps for initiating the departmental proceedings have been initiated, and as such, he contends that continuing the petitioner under suspension indefinitely without initiating any disciplinary proceedings, is illegal and arbitrary. He thus prayed that the impugned order be set aside and the writ petition be allowed.

The learned Standing Counsel appearing on behalf of the

respondents-APEPDCL submitted that in view of registration of a criminal case by ACB officials against the petitioner, he has been kept under suspension until conclusion of the disciplinary proceedings, and since the petitioner has been kept under suspension until conclusion of disciplinary proceedings, certainly the respondents would initiate disciplinary proceedings. He submitted that the petitioner has not made out any case for revocation of his suspension, and prayed that the writ petition be dismissed.

Heard the learned counsel for petitioner and the learned Standing Counsel for the respondents-APEPDCL, and both of them agreed for disposal of the writ petition at the stage of admission itself.

Admittedly, a criminal case was registered against the petitioner by the ACB officials on the charge of possessing assets disproportionate to his known sources of income. In view of registration of criminal case, the 3rd respondent by reason of the impugned order, until conclusion of the disciplinary proceedings placed the petitioner under suspension. The law is well settled that suspension of an employee pending disciplinary proceedings/enquiry against him is not a punishment, but is made with a view to facilitate a free, fair and impartial enquiry. Admittedly, the petitioner was placed under suspension as far back as on 01.12.2006, and it is the contention of the petitioner that till date respondent No.3 has not initiated the disciplinary proceedings or enquiry, and keeping him under suspension indefinitely without initiating any disciplinary proceedings is illegal. Since respondent No.3 has placed the petitioner under suspension until conclusion of the disciplinary proceedings against him, it is expected that he would take steps to initiate the disciplinary proceedings expeditiously. If for any reason, there is likely to be delay in initiation of disciplinary proceedings or

intend to initiate disciplinary proceedings after disposal of the criminal case, then respondent No.3 shall consider the case of the petitioner for revocation of his suspension.

With the above observations, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 2.2.2007

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